

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 4/10/2014

Action Requested By:

Landscape
Management

Agenda Item Type

Resolution

Subject Matter:

Modification No. 1 to Agreement with Land Design Solutions, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Land Design Solutions, Inc. for Design & Construction Administration Services for Maple Hill Cemetery Improvements, Project No. 65-14-SP01, by Modification No. 1

13-976

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow

and accomplish and; any other information that might be helpful.

This contract modification is to extend the contract performance date for design services on the Maple Hill Cemetery Improvements project. There is no change in the contract amount. New end date: September 2, 2014. Account No. N/A-Time Extension Only, no additional funds required.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Brian R. Walker

Date: 3-31-14

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Landscape Management** Council Meeting Date: **4/10/2014**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification No. 1**

Document Name: **Land Design-Maple Hill Cemetery Project No. 65-14-SP01**

City Obligation Amount: **0**

Total Project Budget: **0**

Uncommitted Account Balance: **0**

Account Number: **01-6200-0811-5211**
N/A Time Extension Only

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>Brian R. Walker</i>	3-31-14
2) Legal	<i>Mary C. Cates</i>	4/2/14
3) Finance <i>CC</i>	<i>Ruf</i>	4/3
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 14-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into Modification No. 1 to the Agreement with Land Design Solutions, Inc., adopted and approved on the 5th day of December, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-976, as attached hereto.

BE IT FURTHER RESOLVED that the contract completion date be modified from March 6, 2014, to September 2, 2014. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to Agreement between City of Huntsville and Land Design Solutions, Inc. for Design & Construction Administration Services for Maple Hill Cemetery Improvements, Project No. 65-14-SP01, as adopted by Resolution No. 13-976 of December 5, 2013" consisting of a total of three (3) pages plus one (1) additional page consisting of Attachment "A", and the date of April 10, 2014, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 10th day of April, 2014.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 10th day of April, 2014.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)
Modification No. 1 to Agreement between
the City of Huntsville and Land Design
Solutions, Inc. for Design & Construction
Administration Services for Maple Hill
Cemetery Improvements, Project No. 65-14-
SP01, as adopted by Resolution No. 13-976
of December 5, 2013

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 5th day of December, 2013. The original Agreement is hereby amended by Modification No. 1 dated April 10, 2014, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and LAND DESIGN SOLUTIONS, INC., (LANDSCAPE ARCHITECT).

WITNESSETH

WHEREAS, the firm identified as the LANDSCAPE ARCHITECT to the Agreement dated December 5, 2013, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract completion date to September 2, 2014.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the LANDSCAPE ARCHITECT agree to the following modifications to the agreement:

1. Land Design Solutions, Inc. will provide for extension of contract completion date to September 2, 2014.
2. Item #1 shall be performed in accordance with the original agreement dated December 5, 2013 and approved by the City Council by Resolution No. 13-976.
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.

President of the City Council of the City of
Huntsville, AL
Date: April 10, 2014

4. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2014.

Notary Public
My Commission Expires: _____

LANDSCAPE ARCHITECT: LAND
DESIGN SOLUTIONS, INC.

By: Mike Donnelly

ATTEST:

Laneka Carter

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Mike A. Donnelly, as President, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 1st day of April 2014.

Mary Jo Hollingsworth
Notary Public
My Commission Expires: 3/28/15

ATTACHMENT "A"

Land Design Solutions, Inc.

6996 LINDA STREET
HUNTSVILLE, AL 35811

Email: mike.donnelly@mchsi.com

Voice: 256.714.1470

March 19, 2014
Ms. Joy McKee
Director
Landscape Management Division
City of Huntsville
308 Fountain Circle
Huntsville, AL 35805

RE: Time Extension Request for Design Services of Maple Hill Cemetery Improvements, Huntsville, AL

Dear Joy,

In regards to completion of Design Services for the Improvements to Maple Hill Cemetery, I request a time extension of 180 days for completion of plans.

Regards,



Mike A. Donnelly, ASLA

